

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
AUGUST 23, 2005

Mayor Dirksen called the meeting to order at 6:30 p.m.

Council Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff.

- STUDY SESSION

- > REVIEW THE SCOPE OF SERVICES FOR THE CITY ATTORNEY

Finance staff reviewed this agenda item. After review, City Council consensus was for staff to proceed with the scope of services and finalize the Request for Proposals (RFP). Staff will return to the City Council on October 25 with ranked responses to the RFP for Council review and to schedule any presentations with the leading firms at the Council's discretion.

- > Interim City Manager Prosser announced that the City has been dropped from the lawsuit filed by the Sung Koo Kim family.

- > MEASURE 37 TRAINING

City Attorney Ramis conducted training on Measure 37, and reviewed: history, basic provisions, Tigard's ordinance, hearing process, and recent developments.

- > ADMINISTRATIVE ITEMS

- Procedural Review for Quasi Judicial Hearings – City Attorney Ramis reviewed process for the City Council for the following agenda items:

Agenda Item No. 8 – Consideration of Final Order – Tigard First Baptist Church

Agenda Item No. 9 – Consideration of Final Orders – Annexation of Four Properties. Request was received for a continuance. City Attorney Ramis recommended City grant continuance request (See Agenda Item No. 9)

- It was noted that Executive Sessions were scheduled before and after the Business Meeting.
 - It was noted that after call for Non- Agenda Items (Item No. 1) – Mayor will announce Family Week Activities and introduce Jennifer Ries.

- Information was distributed outlining training offered by communication expert Sharon Ellison.

- Council Calendar:

August

30 Tuesday 5th Tuesday Council Meeting – 7-9 p.m. – Tigard Water Auditorium

September

5 Monday Labor Day Holiday – City Hall Closed

11 Sunday City's Birthday – 44th

10-18 Sun-Sun Family Week Celebration

13* Tuesday Council Business Meeting – 6:30 pm, Town Hall

20* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall

22 Thursday Citizen Leadership Series – 9 Sessions, Thursday evenings

27* Tuesday Council Business Meeting – 6:30 pm, Town Hall

30 Friday Council Strategic Planning Retreat – Noon, 10305 SW 87th Avenue, Tigard, Oregon

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7:06 p.m. to consult with counsel about current or potential litigation under ORS 192.660(2)(h).

Executive Session concluded at 7:23 p.m.

1. BUSINESS MEETING

1.1 Mayor Dirksen called the City Council and Local Contract Review Board meeting to order at 7:31 p.m.

1.2 Council Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff.

1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports: None

1.5 Call to Council and Staff for Non-Agenda Items: None

- > Mayor announced Family Week activities and introduced Jennifer Ries, the child who wrote to him to suggest a celebration of families.

2. PROCLAMATIONS

Mayor Dirksen issued following proclamations:

- 2.1 Proclaim September, 2005 as National Alcohol and Drug Addiction Recovery Month
- 2.2 Proclaim September 16, 2005 as Stepfamily Day

3. CITIZEN COMMUNICATION

- ☒ Eight citizens signed in to speak (sign in sheet is on file in the City Recorder's office) about protection and retention of the Gage property for greenspace in the Bond Park neighborhood. At the request of Mayor Dirksen, those who signed in selected Ken Dobson as their spokesperson on this matter. Mr. Dobson spoke of the lack of neighborhood pocket parks and that the Gage property, under consideration for development, would be a great loss to the area.

Council noted the City is aware of the need for more parks. In fact, on tonight's agenda, there is a resolution to be considered by the Council that will adopt guidelines to use in the evaluation of the location and acquisition of park and greenway properties. More than \$2 million has been allocated in this year's capital improvement program for parks and greenspace acquisition.

- ☒ Ron Ellis Gaut spoke of his frustration about the time it has taken for the City to discontinue its efforts to pursue the rail crossing (see Agenda Item No. 4.3). He objected to the staff time and dollars spent on this matter when the outcome was predictable. Councilor Wilson told Mr. Ellis Gaut that the City was obligated to pursue the matter in a due diligent manner to meet contractual obligations associated with the purchase of land for the new library.
- ☒ George and Betty Burke advised that an issue regarding their property has been addressed. They noted their concerns and felt they had been harassed by one individual. They reported Judge O'Brien was very helpful as they went about addressing the clean up of their property. City Council members thanked Mr. and Mrs. Burke for attending and noted they were glad to hear their side of this situation.
- ☒ Connie Raemaekers and Elizabeth Peloquin addressed the Council with their support of the Tigard Skate Park, noting its importance in providing positive activities for youth. They appealed to the community for support. Tigard Youth Advisory Council (YAC) President Rob Williams offered the help of the YAC.
- ☒ Alice Ellis Gaut spoke about the Gage property and said there had been attempts by the property owners to work out a property

transaction to retain this property as greenspace. This property is "dear" to the neighborhood and would be a shame to lose.

Ms. Ellis Gaut advised she was pleased that the City was withdrawing its application for an at-grade railroad crossing (see Agenda Item 4.3). She urged the property near the library be considered for preservation.

- ☒ Adam and McKay Fleck spoke of their time as children playing and enjoying the beauty of the "Gage Grove." It was also noted that if this property is developed, additional population would impact the school system.

Mayor Dirksen advised the dialogue on the Gage property would be more effective before the Hearings Officer as this is a land use matter under review.

FOLLOW UP TO PREVIOUS CITIZEN COMMUNICATION:

Interim City Manager Prosser reviewed the follow up to previous citizen communication received at the August 9, 2005, City Council meeting:

Thomas and Mary Bush spoke to the City Council about road standards. Community Development Director Hendryx confirmed that the Bush's had contacted him as suggested by Mayor Dirksen.

Gretchen Buehner spoke to the City Council about larger vehicles parking in spaces designated for compact cars, which was creating problems in the library parking lot. Interim City Manager Prosser advised that Police Chief Dickinson told him this was more a courtesy problem than a violation. Efforts will be made to get the word out to patrons to call this issue to their attention to encourage their cooperation.

Tigard Youth Advisory Council President Rob Williams reviewed the Consent Agenda.

Motion by Mayor Dirksen, seconded by Councilor Woodruff, to adopt the Consent Agenda as follows:

4. CONSENT AGENDA:

- 4.1 Approve Council Minutes for July 26, 2005
- 4.2 Adopt a Resolution Appointing Members to the City Center Advisory Committee – Resolution No. 05 – 52

A RESOLUTION APPOINTING MEMBERS AND ALTERNATES TO
THE CITY CENTER ADVISORY COMMISSION

- 4.3 Withdraw the Wall Street Railroad Crossing Application
- 4.4 Adopt a Resolution Authorizing the MTIP Funding for the Greenburg Road Project to Be Held in Reserve for a Future City Project – Resolution No. 05 – 53

A RESOLUTION AUTHORIZING MTIP FUNDING FOR THE
GREENBURG ROAD PROJECT TO BE HELD IN RESERVE FOR A
FUTURE CITY PROJECT

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

5. INTRODUCTION OF NEW TIGARD CHAMBER OF COMMERCE
EXECUTIVE DIRECTOR JEREMY MONLUX AND PRESIDENT PAM
BROWN

Chamber of Commerce Pam Brown and Executive Director Jeremy Monlux visited with the City Council. They thanked the Council for its past support and spoke of their efforts to make the Chamber a proactive organization. Mr. Monlux noted the Chamber membership indicated that the City presents a "pro-business" attitude. He noted his goal was to work toward the Tigard area becoming a destination stop for people in the region. He passed along one business owner's request for assistance for visible business signage. Mr. Monlux referred to the Chamber's 12@12 program held usually on the third Wednesday of the month, and he requested representation from the City. Councilor Sherwood said she would attend the next 12@12. Mr. Monlux expressed interest in helping with the leadership series in the future. Mayor Dirksen noted the first class session for this year's series will be September 22.

6. CONSIDER A RESOLUTION ADOPTING GUIDELINES TO USE IN THE EVALUATION OF THE LOCATION AND ACQUISITION OF PARK AND GREENWAY PROPERTIES

Public Works Director Koellermeier presented the staff report on this agenda item. Council members acknowledged the Park and Recreation Advisory Board for their work on this matter and also noted the proposed resolution shall be used as a guideline to assist in making decisions about acquiring properties for parks and greenways.

Motion by Councilor Woodruff, seconded by Councilor Harding, to adopt Resolution No. 05-54.

RESOLUTION NO. 05-54 – A RESOLUTION ADOPTING GUIDELINES TO USE IN THE EVALUATION OF THE LOCATION AND ACQUISITION OF PARK AND GREENWAY PROPERTIES

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

7. UPDATE ON LIBRARY OPERATIONS

Library Director Barnes presented the staff report. Council concurred with the recommendation for a reduction of the library's open hours from 58 hours to 55 hours per week. The change would be to the Thursday open hours, which will be Thursdays, 1-8 p.m. The Library's schedule will be:

Sundays 1-5 p.m.	Thursdays 1-8 p.m.
Mondays 10 a.m.-8 p.m.	Fridays 10 a.m.-5 p.m.
Tuesdays 10 a.m.-8 p.m.	Saturdays 10 a.m.-5 p.m.
Wednesdays 10 a.m.-8 p.m.	

8. *Set Over from the August 9, 2005, City Council meeting –*
CONSIDERATION OF THE FINAL ORDER REGARDING THE APPEAL
OF CONDITIONAL USE PERMIT FOR THE TIGARD FIRST BAPTIST
CHURCH EXPANSION

After summation by Community Development Director Hendryx, City Council considered Resolution No. 05-55.

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 05-55.

RESOLUTION NO. 05-55 – A RESOLUTION AND FINAL ORDER APPROVING THE TIGARD FIRST BAPTIST CHURCH CONDITIONAL USE PERMIT (CUP) 2004-00005/SENSITIVE LANDS REVIEW (SLR) 2005-00005/SENSITIVE LANDS REVIEW (SLR) 2005-00006 AND ADJUSTMENT (VAR) 2005-00016, ADOPTING FINDINGS AND IMPOSING CONDITIONS

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

9. *Continued from the August 9, 2005, City Council meeting –*
CONSIDERATION OF THE FINAL ORDERS REGARDING THE ANNEXATION OF THE FOLLOWING FOUR PROPERTIES:
MOUNTAIN VIEW ESTATES SUBDIVISION, ARLINGTON HEIGHTS 3 SUBDIVISION, WILSON RIDGE SUBDIVISION, AND ALBERTA RIDER/SUMMIT RIDGE SUBDIVISION

City Attorney Ramis noted that the City received a request from Ms. Julie Russell: "Since I am not able to attend the City Council Meeting tonight, I am requesting the record regarding the four annexations be held open for an additional 7 days to allow time to review the staff report and the City Attorney response to my testimony."

Council discussed this matter briefly. City Attorney Ramis noted further written comments must be limited to the staff response and the draft set of findings.

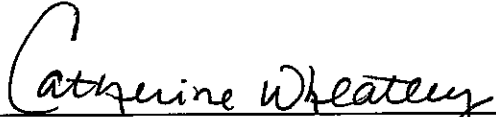
Motion by Councilor Harding, seconded by Councilor Wilson, to reopen the record and leave it open for seven days to allow a response to the Annexation Responses from Staff and the City Attorney, pursuant to ORS 197.763(6)(c). The responses shall be confined to addressing issues raised by the new evidence in those documents, if any. It was further moved to continue the hearing to the date certain of September 13, 2005, at 7:30 pm in the City Council chambers.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

The written testimony as described above must be received by staff at City Hall by Tuesday, August 30, 2005, 5 p.m.

10. COUNCIL LIAISON REPORTS: None
11. NON AGENDA ITEMS: None
12. EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 8:48 p.m. to consider employment of a public officer, employee, staff member or individual agent, and to consult with counsel about current or potential litigation under ORS 192.660(2)(a) and (h).
13. ADJOURNMENT – Motion by Councilor Sherwood, seconded by Councilor Harding, to adjourn the meeting at 8:44 p.m.


Catherine Wheatley, City Recorder

Attest:



Mayor, City of Tigard

Date: 9.27.05

t:\adm\calhy\com\2005\050823.doc